

**REMARKS/ARGUMENTS**

Claims 1-19 are pending. Claims 1, 2, 7, and 13 have been amended. Claims 17-19 have been added. No new matter has been added.

Claims 1-3, 10-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Weimer et al. Applicants traverse the rejection.

Claim 1 recites, "forming a patterned gate stack structure over the gate insulation layer, wherein the patterned stack structure includes a polysilicon layer as a lower layer and a metal layer as an upper layer; forming a dielectric capping layer along a profile containing the patterned gate stack structure and on the gate insulation layer at a predetermined temperature that prevents oxidation of the metal layer, the capping layer including a horizontal portion and a vertical portion that together encloses the patterned gate stack structure; and performing a gate re-oxidation process." Weimer does not disclose the forming the capping layer at "a predetermined temperature that prevents oxidation of the metal layer." Weimer also does not disclose the capping layer in the manner recited. Claim 1 is allowable.

Claims 1, 3, and 4, and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by Kim et al. Applicants traverse the rejection. Claim 1 recites, "forming a patterned gate stack structure over the gate insulation layer, wherein the patterned stack structure includes a polysilicon layer as a lower layer and a metal layer as an upper layer; forming a dielectric capping layer along a profile containing the patterned gate stack structure and on the gate insulation layer at a predetermined temperature that prevents oxidation of the metal layer, the capping layer including a horizontal portion and a vertical portion that together encloses the patterned gate stack structure; and performing a gate re-oxidation process." Kim et al. does not disclose the recited features. Claim 1 is allowable.

Applicants thank the Examiner for allowing claims 13-16.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/750,084  
Amdt. dated May 9, 2005  
Reply to Office Action of February 8, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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